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Attention: Examiner: Scott E. Beliveau

Supervisory Examiner: John W. Miller

UNITED STATES PATENT AND TRADEMARK
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Fax: (703) 872-9306
Mail Stop Appeal
Brief-Patents

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- > Appeal Brief Transmittal
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The DIRECTV Group, Inc. - RE / R11 / A109, P.O. Box 956 - 2250 E. Imperial Highway, El Segundo, CA 90245-0956

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PATENT
Docket No. PD-200019**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Robert G. Arseneault, et al.

Date: January 31, 2005

**RECEIVED
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Serial No.: 09/677,565

Group Art Unit: 2614

Filed: October 2, 2000

For: METHOD AND APPARATUS FOR DISTINGUISHING PROGRAM :
GUIDES ACCORDING TO ORIGINATING NETWORK

Examiner: Scott E. Belliveau

JAN 31 2005**APPEAL BRIEF
TRANSMITTAL LETTER**Mail Stop Appeal Briefs - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Enclosed is the Appeal Brief for the above-identified patent application.

_____ Applicant petitions for an extension of time for _____ months(s). If an additional extension of time is required, please consider this a petition therefor.

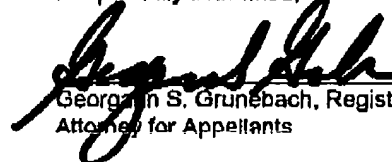
_____ An extension for _____ months(s) has already been secured; the fee paid therefor of _____ is deducted from the total fee due for the total months of extension now requested. _____
Extension fee due with this request \$ _____

 X Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

 X The Appeal Brief Fee of \$ 500.00 is due.

 X The total fee due is \$500.00. Please charge this amount to Deposit Account No. 50-0383 of The DIRECTV Group, Inc. (formerly Hughes Electronics Corporation), El Segundo, California. If any additional appeal brief fee or extension fee is required, please charge to Deposit Account No. 50-0383.

Respectfully submitted,


Georgann S. Grunebach, Registration No.: 33,179
Attorney for Appellants**CERTIFICATE OF MAILING UNDER 37 CFR 1.8**

I hereby certify that this correspondence is being facsimile transmitted to (703) 872-9306 (PTO Centralized Facsimile Number), and addressed to Mail Stop Appeal Brief - Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on January 31, 2005, by Georgann S. Grunebach, Registration No. 33,179.
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The DIRECTV Group, Inc.
Patent Docket Administration
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Date: January 31, 2005
(Signature of person transmitting correspondence)January 31, 2005
(Date of signature)

09-517 (1/98)

Due Date: January 31, 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:

Inventor: Robert G. Arsenault et al.

Serial #: 09/677,565

Filed: October 2, 2000

Docket No.: PD-200019

Title: METHOD AND APPARATUS FOR
DISTINGUISHING PROGRAM GUIDES
ACCORDING TO ORIGINATING NETWORK

Examiner: Scott E. Beliveau

Group Art Unit: 2614

Appeal No.: _____

BRIEF OF APPELLANTS

MAIL STOP APPEAL BRIEF - PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In accordance with 37 CFR §1.192, Appellants hereby submit the Appellants' Brief on Appeal from the final rejection in the above-identified application, as set forth in the Office Action dated July 29, 2004.

Please charge the amount of \$500.00 to cover the required fee for filing this Appeal Brief as set forth under 37 CFR §1.17(c) to Deposit Account No. 50-0383 of THE DIRECTV GROUP, INC., the assignee of the present application. Also, please charge any additional fees or credit any overpayments to Deposit Account No. 50-0383.

I. REAL PARTY IN INTEREST

The real party in interest is THE DIRECTV GROUP, INC., the assignee of the present application.

II. RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences for the above-referenced patent application.

III. STATUS OF CLAIMS

Claims 1-18 are pending in the application.

In paragraphs (3)-(4) of the Final Office Action, claims 1, 4-6, 8, 11, 12, and 15-17 were rejected under 35 U.S.C. §102(e) as being anticipated by Eyer et al., U.S. Patent No. 6,401,242 (Eyer).

In paragraph (5) of the Final Office Action, claims 1, 8, and 12 were rejected under 35 U.S.C. §102(e) as being anticipated by Arsenault et al., U.S. Patent No. 6,658,661 (Arsenault), and these rejections are being appealed.

In paragraphs (6)-(7) of the Final Office Action, claims 3, 7, 10, 14, and 18 were rejected under 35 U.S.C. §103(a) as being unpatentable over Eyer. In paragraph (6) of an Advisory Action issued subsequent to the Final Office Action, claims 3, 10, and 14 were indicated as allowable, and are no longer at issue. Currently, claims 7 and 18 stand rejected as unpatentable over Eyer under 35 U.S.C. § 103(a).

In paragraph (8) of the Office Action, claims 2, 9, and 13 were rejected under 35 U.S.C. §103(a) as being unpatentable over Eyer in view of Bennington et al., U.S. Patent No. 6,418,556 (Bennington).

All of these foregoing rejections (excluding the rejection of claims 3, 10, and 14) are being appealed.

IV. STATUS OF AMENDMENTS

No amendments to the claims have been made subsequent to the final Office Action.

V. SUMMARY OF THE INVENTION

The Appellants' invention, operates in a broadcasting system (600) having a plurality of networks (602, 604A-604C) broadcasting a set of programs and program guide information describing at least a portion of the set of programs. An exemplary embodiment is shown in FIG. 6, which is reproduced below.

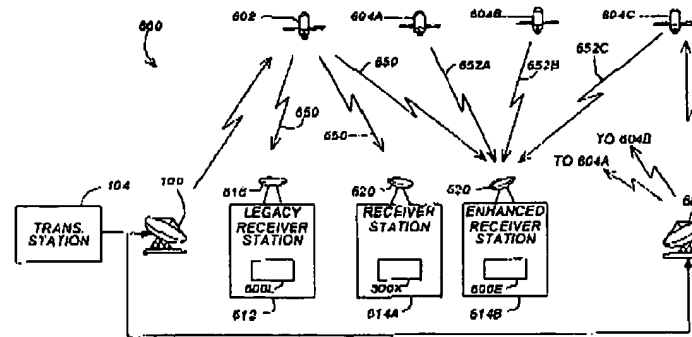
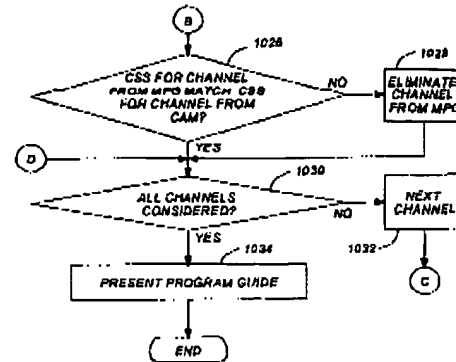
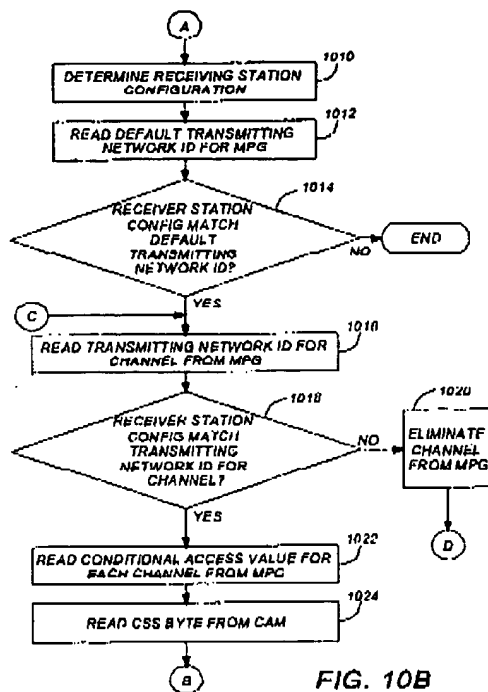


FIG. 6

Independent claim 1 recites a method for presenting a program guide to a subscriber (122). This is accomplished by determining a receiver station (110) configuration. This step is described in the Applicant's specification at page 27, line 15 to page 28, line 9 and illustrated in FIG. 10B.

First program guide information is then received at the receiver station (110). This first program guide information comprises a default transmitting network identifier value (see Table II on page 29 of the Applicant's specification) uniquely identifying the service network (602, 604A-604C) transmitting the first program guide information.

Finally according to a comparison between the determined receiving station (110) configuration and the default transmitting network identifier, the first program guide is generated from the first program guide information and presented. This is described in the Applicant's specification at page 27, line 15 through page 32, line 14 and in FIGs. 10B and 10C. For the Board's convenience, these figures are reproduced below:



Independent claim 8, recites a receiver station (110) for use in a broadcasting system (600) described above. The receiver station provides a first program guide to a subscriber (122) distinguishable as originating from a first service network (602) in the broadcasting system (600).

The receiver station (110) comprises an antenna (112), which includes at least one converter (502), for sensing a signal from the first broadcasting system (602). This is described in FIG. 5 and in the Applicant's specification at page 10, line 26 through page 14, line 16. The sensed signal (650) comprises the first program guide information. This is described in the Applicant's specification at page 14, line 19, et seq.

The receiver station (110) also comprises a tuner (504) that is communicatively coupled to the antenna (112). The tuner (504) receives a first program guide. The first program guide comprising a default transmitting network identifier value (see Table II on page 29 of the

Applicant's specification) that uniquely identifies the service network (602, 604A-604C) transmitting the first program guide.

The receiver also comprises processor (510), coupled to the tuner (504), for determining a configuration of the receiver station (110). This is described in the Applicant's specification at page 27, line 15 to page 28, line 9 and illustrated in FIG. 10B. The processor (510) also generates a first program guide from the first program guide information according to a comparison between the determined receiver station (110) configuration and the default transmitting network identifier. This is described in the Applicant's specification at page 27, line 15 through page 32, line 14 and in FIGs. 10B and 10C.

Independent claim 12, which unlike claim 8, invokes 37 U.S.C. § 112, sixth paragraph, is described as follows:

Claim	Structure(s), material(s), or act(s) corresponding to:	Found At
12	means for determining a receiver station configuration;	Referring to page 28, lines 3-9, of the Applicant's specification, this can be accomplished by default setting, by user selection based upon displayed options, or by received data from the control center. This implicates the processor (510) cooperatively operating with I/O device 524 and appropriate display devices (e.g. 515-534), and the tuner (504) as well as numerous other elements in the receiver.

12	means for receiving a first program guide information at the receiver station, the first program guide information comprising a default transmitting network identifier value uniquely identifying the service network transmitting the first program guide information	Processor (510) cooperatively operating with the tuner (504). This is described in the Applicant's specification at page 27, line 15 thorough page 32, line 14.
12	means for generating a first program guide from the first program guide information and presenting the first program guide, according to a comparison between the determined receiving station configuration and the default transmitting network identifier.	Processor (510) cooperatively operating with I/O device 524 and appropriate display devices (e.g. 515-534). This is described in the Applicant's specification at page 27, line 15 thorough page 32, line 14.

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Whether claims 1, 4-6, 8, 11, 12, and 15-17 are patentable under 35 U.S.C. § 102(e) over U.S. Patent No. 6,401,242, issued to Fyer et al. (hereinafter, the Fyer reference) and U.S. Patent No. 6,658,661, issued to Arsenault et al. (hereinafter, the Arsenault reference).

Whether claims 2, 7, 9, 13, and 18 are patentable under 35 U.S.C. § 103(a) over Fyer in view of U.S. Patent No. 6,418,556, issued to Bennington et al. (hereinafter, the Bennington reference).

VII. ARGUMENT

A. The Independent Claims Are Patentable Over The Prior Art

1. *The Fyer Reference*

Interactive Program Guide (IPG) data for television is delivered to integrated receiver-decoders (IRDs) in a decoder population via, for example, a satellite network. The IPG data provides scheduling information for global and local programming services which are carried via the satellite network as well as another network such as a CATV network or a terrestrial broadcast

network. Each IRD is assigned to an IPG region using unit addressing. At the IRD, IPG data is filtered so that only the global data and the region-specific data for the IRD's IPG region is retained and processed by the IRD. Channel map data is also delivered to the IRDs so that bundles of IRD data can be filtered out using firmware filtering to discard program sources that are not present in the channel map. The IRD data which is retained after filtering is used to provide scheduling information via an on-screen display. A preferred source may be designated when there are duplicative channels on the different networks.

2. The Arsensault Reference

In a broadcast system such as a direct-to-home satellite system, program guide information for different time periods is transmitted on different carousels (e.g., one for 0-6 hours from current time, one for 6-24 hours, one for 24-72 hours, etc.) and broadcast on all transponders. Guide information for time periods in the near future is transmitted more frequently (i.e., less information per carousel) than guide information for later time periods. The receiving IRD sets a bit mask to indicate which carousel or carousels it requires and downloads them in serial or parallel. Updated information is never missed because it is given a bit pattern that is never screened by the mask. Further, the IRD can download the program guide information in the background (i.e., while displaying video) because it does not need to tune to a different transponder.

3. The Bennington Reference

An electronic program schedule system which includes a receiver for receiving broadcast, satellite or cablecast television programs for a plurality of television channels and a tuner for tuning a television receiver to a selected one of the plurality of channels. A data processor receives and stores in a memory television program schedule information for a plurality of television programs to appear on the plurality of television channels. A user control apparatus, such as a remote controller, is utilized by a viewer to choose user control commands and transmit signals in response to the data processor which receives the signals in response to user control commands. A television receiver is used to display the television programs and television program schedule information. A video display generator receives video control commands from the data processor and program schedule

information from the memory and displays a portion of the program schedule information in overlaying relationship with a television program appearing on a television channel in at least one mode of operation of the television programming guide. The data processor controls the video display generator with video control commands, issued in response to the user control commands, to display program schedule information for any chosen one of the plurality of television programs in overlaying relationship with at least one television program then appearing on any chosen one of the plurality of channels on the television receiver.

4. Independent Claims 1, 8, and 12 are Patentable Over the Eyer Reference

The First Office Action rejected claims 1, 4-6, 8, 11, 12, and 15-17 under 35 U.S.C. §102(e) as being anticipated by Eyer et al., U.S. Patent No. 6,401,242 (Eyer). The Applicants respectfully traversed this rejection, and the Final Office Action maintained this rejection.

With Respect to Claims 1, 8, and 12: Claim 1 recites the step of:

receiving a first program guide information at the receiver station, the first program guide information comprising a default transmitting network identifier value uniquely identifying the service network transmitting the first program guide information;

The First Office Action argued that the Eyer reference discloses the step of receiving a first program guide information comprising a default transmitting network identifier value uniquely identifying the service network as follows:

Loading the IPG data into system RAM 350 is controlled by a memory manager 348 coupled to the microprocessor 170. The memory manager 348 will address the RAM 350 in a conventional manner to store the IPG data for subsequent retrieval by the microprocessor 170 and display on a monitor 195 or the like coupled to the video display generator 190. Selection of particular time slots or scheduling information is made via a user interface 172. For example, a user may request to see scheduling information for a future time period, or detailed information regarding a particular program. The user interface 172 can comprise an infrared remote control receiver coupled to input instructions to microprocessor 170 in a well known manner. (col. 9, lines 53-65)

The Applicants respectfully disagreed, answering that noting that nothing in the foregoing passage disclosed "*receiving first program guide information comprising a default transmitting network identifier value uniquely identifying the service network transmitting the first program guide information*" as recited in claim 1, and that the foregoing merely discloses the storage of "IPG data."

In the Advisory Action, it was acknowledged that the foregoing passage does not teach this limitation, but noted that this passage was cited to show:

“that the system is operable ‘to generate a first program guide from the first program guide information’ and to present the first program guide on the basis of a ‘comparison between the determined receiving station configuration and the default transmitting network identifier’ as opposed to ‘receiving first program guide information’ limitation.” (Advisory Action, pages 2-3)

The Advisory Action then explained how the foregoing passage discloses *a default transmitting network identifier uniquely identifying the service network transmitting the first program guide information* that is *received with the program guide information* as follows:

“The Eyer et al. reference utilizes a filtering process in order to determine what program guide data is to be utilized in constructing an electronic program guide. The filtering process requires for filtering criteria to be established and for data associated with various criteria to be received for subsequent filtering. In performing this operation, the system first ‘determines’ what program guide data that the receiver should be configured to receive based upon the geographical location of the receiver and/or authorized channels. The system ‘receives’ program guide information including a ‘default network identifier value’ that ‘uniquely identifies the service network transmitting the first program guide information (ex. global programming) (Col 7, Lines 57-65)” (Advisory Action, page 3)

Respectfully, the Eyer reference discloses no such thing. There is nothing analogous to a “default network identifier” that *uniquely identifies the service network transmitting the first program guide information* at all, let alone one that is *received with the program guide information*. As for the cited portion of the Eyer reference, the Board can see for itself that it does not disclose these features:

The video display generator 190 may include a video decompression processor for processing digital video data. Generally, digital video is delivered via the satellite network, while digital and/or analog video is delivered via the CATV network. Analog programming is currently most prevalent with CATV systems. Analog signal processing circuitry can be provided to process analog video signals in a known manner. Means, not shown, are also required to process the audio data, whether it be digital or analog. (col. 7, lines 57-65)

The Applicants also pointed out that the other cited passages of the Eyer reference are similarly unavailing, and in fact, teach away from the Applicants’ invention.

The Applicants' invention teaches *determining a receiver station configuration*, then using a default transmitting network *transmitted as a part of the program guide information* to determine which program guide information is presented to the user.

The Eyer reference teaches a packet stream filter 335 that discards region specific IPG data for *regions* other than the IPG region to which the IRD is assigned, while passing global IPG data and IPG data for the region to which the IRD is assigned:

The packet stream demultiplexer 334 also outputs packets of the IPC data to an IPG filter 335, which discards region-specific IPG data for regions other than the IPG region to which the IRD 300 is assigned, while passing IPG data for the IPG region to which the IRD is assigned to microprocessor 170. Filtering is implemented in hardware and is based on associated IPG region identifying data which is multicast addressed to the IRD 300. The filter 335 passes all IPG data for the global programming services, as that data is broadcast-addressed, not multicast-addressed. (col. 8, lines 47-56)

The foregoing discloses a receiver filtering received IPG data, but not based on a *default transmitting network identifier* that is received *with the program guide information*, as specified in claim 1.

In fact, Eyer teaches that the IRD filters the data it receives using information that is separately transmitted to each IRD. This information assigns the IRD to a specific CATV network identifier and IPG region identifier, as described below:

CATV maps may be recovered by corresponding IRDs according to the assigned CATV network identifier. The identifier may be addressed to each IRD using a unit identifier which is unique to each IRD. (col. 9, lines 6-9)

Each IRD will be assigned to a specific CATV network and IPG region by unit-addressed CATV network identifiers and IPG region identifiers, respectively. (col. 9, lines 18-20).

The dynamic RAM (DRAM) 340 of FIG. 3 may be used for buffering IPG data to be filtered, for example, by firmware or software, according to a cable system identifier (ID) which can be set, for example, by a message addressed to each specific IRD. (col. 9, lines 25-28).

Nothing above is analogous to a *default transmitting network identifier* transmitted with the IPG data.

With respect to the affirmative recitation of the step of *determining a receiver configuration*, the Office Action argues:

"The claims do not require that the "receiver station configuration" is necessarily associated with a particular embodiment of the receiver. Rather, the term is broadly construed as being

any type of information that would determine what program guide information to be received (ex. the terminal is "configured to receive guide information and services from selected networks/providers).

The Advisory Action further argued:

"The program guide is subsequently generated using the filtering process 'according to a comparison between the determined receiver configuration' (--What programming (global/local) am I configured to receive?) and 'the default transmitting network identifier' which identifies the particular network associated with the data being received (ex global/local)" (Advisory Action, page 3.)

As a threshold matter, the foregoing does not indicate *where* the Fyer reference discloses what is purported to be disclosed. For example, *where* does the Fyer reference disclose the query "What programming (global/local) am I configured to receive?" As far as the Applicants can ascertain, there is no such disclosure.

The Examiner's interpretation of claim 1, without expressly saying so, appears to argue that the very fact that a receiver station *can* receive information inherently discloses the step of *determining a receiver station configuration*. This interpretation stretches "broadness" to the point of reading the *determining a receiver configuration* phrase out of the claim. Even using a broadest reasonable interpretation, all of the claim terms must be given consideration and meaning, and Eyer simply does not disclose an affirmative step of *determining a receiver configuration*. IPG data is either presented or not, based upon data it receives using information that is separately transmitted to each IRID. If Eyer affirmatively teaches *determining a receiver configuration*, the Applicants are unable to determine where such teaching is found, and how the Eyer system uses this information.

Finally, the Applicants note that Office Action's § 102 rejection appears to be logically inconsistent with its original rejection of claim 3 (now indicated as allowable) under 35 U.S.C. § 103. Why would one skilled in the art be motivated to perform the steps of claim 3 to determine that configuration of the receiver station if the configuration could be implied simply by receiving the information in the first place?

Claims 8 and 12 also recite the features described above, and are patentable on the same basis.

5. *Independent Claims 1, 8, and 12 are Patentable over the Arsenault Reference*

The First and Final Office Actions argued that the Arsenault reference discloses an embodiment which “determines a receiver station configuration”: such that receiver [36] determines the particular network group for which it is designated” as follows:

Each object packet preferably starts with a network number that signifies a broadcast group, such as “DIRECTV.RTM. 101 degree services” or a local terrestrial DMA such as “Los Angeles, Calif.”. An IRD is designed or configured to participate in one or more network groups, either by hardware design, software design or user preference. So, an IRD accepts object packets that match one of the configured network groups and rejects others. (col. 8, lines 54-61)

The Applicants answered that the foregoing teaches only that each data packet includes a network number, and that an IRD is designed or configured to accept an object packet with particular network numbers. Hence, the receiver *receives what it is configured to receive*. However, Arsenault does not disclose, the affirmative step of *determining a receiver station configuration*. In fact, since the receiver is apparently preconfigured to accept some packets and reject others, this reference teaches away from *determining a receiver station configuration*.

The Advisory Action answered that:

“Firstly, it is the examiner’s understanding that IRD receivers associated with the DirecTV® services are not hardcoded in such a manner and further request for a user to specify information such as a zip code in order to properly configure what satellite network group to utilize.” (Advisory Action, page 5)

The Applicants’ answer is twofold. First, none of the foregoing is disclosed in the cited Arsenault reference. Secondly, even if the above were true, it is still not analogous to *determining a system configuration*, but rather, *setting* a system configuration based on the zip code.

The First Office Action also argued that the remainder of the features of claim 1 were recited in the Arsenault reference, in particular, the *default transmitting network identifier*.

“Subsequently, the embodiment is operable to ‘receive a first program guide information at the receiver station’ comprising a ‘default transmitting network identifier value uniquely

identifying the service network' or network number that associated with program guide object packet and 'generate'/'present' the 'first program guide' on the basis of a 'comparison' between the 'default transmitting network identifier' and that associated with the receiver configuration such that the guide data presented corresponds to the particular broadcast programming"

According to the First Office Action, these features are disclosed as follows:

The transport 60 receives the transport stream of digitized data packets containing video, audio, data, scheduling information, and other data. The digital packet information contains identifying headers as part of its overhead data. Under control of the micro-controller 58, the channel demultiplexer 62 filters out packets that are not currently of interest, and routes the data packets that are of interest through the decryption circuit 64 and, in the case of some packets, also through the access control circuits 66, 68 to their proper downstream destination. The decryption circuit 64 provides decryption for the data packets that have been encrypted. The access control circuits 66, 68 provide access control by any conventional means. For example, access control may be achieved by requiring a data packet to have a proper authorization code in order to be passed to the decryptor 64 and/or video decoder 78. The access card reader 68 can interface with an access card (not shown) that will receive the packet authorization code, determine its validity, and generate a code that confirms to the transport 60 that the subject data packet is authorized.

The authorized data of interest, which now consists of the payload portions of the received data packets, are forwarded to decoder DRAM 74 for buffering and may optionally be intermediately stored in system RAM 70. The audio/video decoder 72 decodes the payloads stored in DRAM 74, as needed. The requested data is routed from the RAM 70 through the transport 60 to the audio/video decoder 72. At that time, the data is routed to the video decoder 78 (which includes display generating circuitry) and the NTSC (or other) encoder 64. The video decoder 78 reads in the compressed video data from the DRAM 74, parses it, creates quantized frequency domain coefficients, then performs an inverse quantization, inverse discrete cosine transform (IDCT) and motion compensation. At this point, an image has been reconstructed in the spatial domain. This image is then stored in a frame buffer in the DRAM 74. At a later time, the image is read out of the frame buffer in DRAM 74 and passed through the display circuitry to the encoder 82. The display circuitry (located in the video decoder 78) generates the graphics that allow text such as the electronic program guide data to be displayed. The encoder 78 converts the digital video signals to analog according to the NTSC standard or to other desired output protocols (e.g., ATSC), thereby allowing video to be received by a conventional television 38 or other video output device (FIG. 1).

Illustrated in FIG. 3 is an example of an electronic program guide. Typically, channels 100 are listed in, e.g., numeric order vertically; and, times 102 are listed in chronological order horizontally. The grid boxes 104 in the body of the program guide are preferably filled with text and/or graphics representing television shows and/or other programming available at the associated time on the associated channel. (col. 6, lines 1-53)

The Applicants traversed, because nothing in the forgoing passage teaches the step of "generating a first program guide from the first program guide information and presenting the first program guide, according to a comparison between the determined receiving station configuration and the *default transmitting network identifier*".

The Final Office Action explained further:

"As to a particular limitation/step of 'generating a first program guide from the first program guide information', as previously set forth, it is the examiner's interpretation that the reference teaches a method for 'generating a first program guide from the first program guide information and presenting the first program guide' as illustrated in Figure 3 on the basis of a 'comparison between the receiving station configuration' (ex. what network group the receiver configured to received) with the 'default transmitting network identifier' associated with the received program information (Col 8, Line 54 - Col 9, Line 23). Namely, the receiver is configured to filter distributed program data and subsequently present a program guide on the basis of a comparison or filtering process between the receiver configuration and the particularly received data."

In making this assertion, the Final Office Action relied on the following text:

Each object packet preferably starts with a network number that signifies a broadcast group, such as "DIRECTV.RTM. 101 degree services" or a local terrestrial DMA such as "Los Angeles, Calif.". An IRD is designed or configured to participate in one or more network groups, either by hardware design, software design or user preference. So, an IRD accepts object packets that match one of the configured network groups and rejects others.

An IRD desires program guide coverage of a particular time window either by hardware design, software design, or user preference. For example, an IRD may only have enough RAM to support a one week guide or the IRD S/W may only support a one week guide regardless of the amount of physical RAM present, or the user might specify interest in only a one week guide regardless of the IRD's native capabilities. After the time coverage desire is determined, one or more carousels overlay the desired time window and the IRD attempts to acquire those carousels and not any other carousels.

Each object packet preferably starts with a number identifying a network (e.g., ESPN), and a carousel mask. Preferably, each network is divided into the same number of carousels with the same time coverage divisions. Further, each carousel is preferably assigned a bit flag in the carousel mask. For example, 2.sup.0 for time from 0 to 6 hours, 2.sup.1 for time from 6 to 24 hours, 2.sup.2 for time from 24 to 72 hours, and 2.sup.3 for time from 72 to 168 hours. An IRD sets a local bit mask flag(s) corresponding to the carousel(s) it requires, and performs a logical operation using the local bit mask and each incoming carousel mask to determine which objects to save. For example, if an IRD requires carousels 0, 1, and 2, it would set the 2.sup.0 bit, 2.sup.1 bit, and the 2.sup.2 bit. The IRD could acquire the three carousels in series by sequencing through the bits; the IRD could acquire the three carousels in parallel by setting all three bits two at a time; or the IRD could perform some combination of serial and parallel as resources dictated (e.g., set n bits at a time, where n>2, because that's as fast as it can handle storing the objects). (col. 8, line 54 - col. 9 line 23)

However, Arsenault's "network number" is not a "default transmitting identifier". The "network number" in the Arsenault appears to refer to the network transmitting the *programs*, not the *program guide information* described in claim 1. As is apparent from reading the Applicants' specification, the two are not the same. In fact, as described below the Applicants invention is designed to solve the problems inherent with the Arsenault reference.

In recent years, there has been an increasing demand for video distribution systems to provide more program channels. In digital satellite systems, this may be accomplished in many ways. One way of increasing the number of available channels is to increase the compression or decrease the error correction provided in the broadcast signal of existing satellites. Another way of increasing the number of available channels is to increase the bandwidth of the downlink from the satellite to the subscribers' receivers. Unfortunately, this technique is difficult to accomplish with existing (legacy) satellites and in a way that is compatible with existing (legacy) receivers.

As a result, video distribution systems have evolved to include additional satellites to broadcast additional program material to subscribers. Typically, satellites broadcasting these enhanced services are deployed in geosynchronous orbits in orbital locations proximate to those of the legacy satellites. This allows a single antenna to receive signals from both satellites with little or no physical scanning.

Electronic program guides for television programming are known in the art. Such program guides typically include a viewer channel number that identifies the stream of television content offered by a content provider and a description of each media program associated with the channel number. Program guide information is typically transmitted along with the television content, and typically also includes schedule information for display on users' televisions. The schedule information informs users what television programs are currently on, and what television programs will be shown in the near future.

Providing electronic program guides for the additional viewer channels carried by the multiple satellite video distribution system has become problematic. Typically, each satellite used in such systems transmits program guide information describing only those viewer channels carried by the satellite, and do so at regular and frequent intervals (e.g. every 5 seconds). This allows a new subscriber to receive program guide information for the satellite they are tuned to within a short period of time after setting up and activating the receiver station. However this has its disadvantages. Most notably, in multiple-satellite video distribution systems, when the subscriber requests program guide information regarding a viewer channel broadcast by a different satellite than the currently tuned viewer channel, the subscriber can experience a delay of several seconds before the program guide information is displayed.

For example, the system disclosed in U.S. Patent Nos. 5,550,576 and 5,923,362, which are hereby incorporated by reference herein, disclose a system wherein a coordinator at the subscriber location collects program guide information from a number of sources and sorts and merges the program guide information into a single guide. However this solution requires multiple tuners to simultaneously receive program guide information from two separate satellites or the above-described delay will result when switching from one program source to another.

It is possible to simply repeat the program guide information from all satellites on one channel. Such a system is described in U.S. Patent No. 6,072,983, which is hereby incorporated by reference herein. However, the system described in the '983 patent either requires additional downlink bandwidth or must extend the period of time between program guide updates. It also may present program guide information about viewer channels which should not be received by subscribers with legacy receivers. For such subscribers, the numerous additional viewer channels can become a nuisance, since they take up space on the program guide presented to the subscriber and serve no useful purpose. (Specification, page 2, line 6 - page 3, line 22)

The foregoing passage of the Arsenault reference refers to IRDs that are designed to receive signals according to a network number and *ignores all of the rest*. The remainder of the passage refers only to program guide design as it refers to coverage within a time window. Nothing fairly teaches determining a receiver configuration, receiving program guide information having a default transmitting network identifier uniquely identifying the service network transmitting the first program guide information, nor generating the first program guide according to a comparison

between the determined receiver station configuration and the default transmitting network identifier.

In summary, the Advisory Action appears to confuse the notion of the *transmitting network identifier* (which is later recited in claim 6) with the *default transmitting network identifier* recited in claim 1. They are not the same, nor are they used for the same purpose. The *default transmitting network identifier* is necessary for the Applicants invention to achieve its purpose of providing support for legacy receivers across additional service networks.

B. The Dependent Claims Are Patentable Over The Prior Art

1. *Dependent Claims 2-7, 9-11, and 13-18 are Patentable*

With Respect to Claims 2, 9, and 13: Claim 2 recites:

The method of Claim 1, wherein the step of determining the receiving station configuration comprises the steps of:

*presenting a plurality of configurations to the subscriber;
accepting a selection of configurations from among the plurality of presented configurations; and
determining the receiving station configuration according to the selected configuration.*

The First Office Action acknowledges that the foregoing features are not fairly taught by the Eyer reference, but indicates that they are taught by Eyer in view of Bennington. According to the Office Action, Eyer discloses that discarded IPG data may correspond to programming services that are unavailable to the IRD due to operator preference "*wherein the particular "receiving station configuration" is "determined" on the basis of that configuration*" as follows:¹

The last icon 152 appearing in the Pay-Per-View bar of FIG. 15 identifies a display format which lists all Premium Services offered by the cable operator, as shown in FIG. 26. In this mode, the user can select for impulse ordering any one of the premium services by manipulating the cursor using the direction arrow keys on the remote controller and depressing the ENTER key. Similar to Pay-Per-View ordering, the system will present the user with a series of ordering displays and, if a service is ordered by the user, it will confirm the user's request using another other submenu. If confirmed, the microcontroller 16 will store the ordering information or transmit it directly to the cable operator. Once the order has been confirmed, the microcontroller can immediately allow the user access to the ordered premium service. In this manner, the user

¹ The Examiner is correct that the Applicants' attorney mistakenly premised his arguments assuming that the Eyer et al. reference was used for the rejection. With apologies and thanks, we now refer to the appropriate section of the Bennington reference.

can order premium events or services on demand. (col. 16, line 66 - col. 17, line 14)

Apparently arguing that the foregoing teaches determining a receiver station configuration, the Office Action then argues that the motivation for doing so is to provide a means by which a user may subscribe to premium services on an impulse or on-demand basis:

There is also a need for an electronic guide system providing the user with comprehensive information about pay-per-view events, premium services or other packaged programming to which the user does not ordinarily subscribe, and which avoids the user with the capability to automatically purchase such programming on demand or impulse. (col. 3, lines 53-67)

The Applicants do not understand how the referenced portion of the Bennington reference teaches the claimed features. Plainly, the foregoing refers to a PPV menu selection, not *accepting a selection of configurations*. Further, it does not disclose *determining the receiver station configuration according to the selected configuration*. For the Advisory Action's analogies to make sense, a "configuration" would have to be interpreted to be a PPV program, or the step of *presenting a plurality of configurations to the subscriber* would not be disclosed. Then, since "configurations" must be PPV programs, the next step would determine the receiving station PPV program according to the selected PPV program. This nonsensical outcome is the result of the faulty premise of the rejection itself.

Simply put, a passage that teaches selecting a PPV program from a menu does not teach selecting a receiver configuration from a menu ... PPV programs and "configurations" are not the same thing.

Claims 9 and 13 recite the features of claim 2 and are patentable on the same basis.

With Respect to Claims 4-6, 11, and 15-17: Claims 4-6, 8, and 15-17 recite the features of claims 1, 8, and 15-17, respectively, and are patentable on the same basis. Claims 4-6, 8, and 15-17 also recite features rendering them even more remote from the cited references. For example, Claim 4 recites:

The method of Claim 1, wherein the step of determining a receiving station configuration comprises the steps of:
receiving a message from the broadcasting system indicating the receiving station configuration.

According to the Office Actions, this feature is disclosed in the Eyer reference as follows:

The dynamic RAM (DRAM) 340 of FIG. 3 may be used for buffering IPCG data to be filtered, for example, in firmware or software, according to a cable system identifier (ID) which can be set, for example, by a message addressed to each specific IRD. (col. 9, lines 23-28)

Region assignments can be made at the time of the installation of the IRD, or later updated, for example, using a smart card which is mailed to each user. (col. 22, lines 24-26).

The Applicants pointed out that the foregoing passages define two items, a cable system identifier, and a region assignment. Although the Office Action indicates that both of these items are analogous to a message indicating a receiving station configuration, plainly, this cannot be the case, as they are different items. In fact, neither of these data items is analogous to a system configuration. The "cable system identifier" plainly is not, and the "region assignment" is not either. Consider, for example, the case where a particular system is moved from one region to another. The region assignment would presumably change, but the configuration would not. The analysis of claims 11 and 15 is analogous.

The Advisory Action replied:

As aforementioned, the specification does not set forth a special meaning to the term "configuration." As defined in the *American Heritage® Dictionary of the English Language, Fourth Edition*, a configuration is defined as "a way in which a computer is set up: changed the configuration by resetting the parameters." Taken in light of its common usage, the "configuration is not necessarily associated with a particular physical embodiment of the receiver (e.g. two converters). Rather, it is the examiner's position that the term may be interpreted as being any type of information or parameters that determine what program guide information is being processed. Accordingly the particular useage of a "cable system identifier" or "region assignment" is construed as information that particularly determines the configuration of the receiver so as to utilize particular program guide information. (Advisory Action, page 4)

The Applicants appreciate the further information provided by the Advisory Action, but still disagree. First, a "computer" is not a "receiver station" and therefore reconfiguring a "computer" is not analogous to reconfiguring a "receiver station". Second, if merely setting a parameter to a different value involved a "reconfiguration" of a receiver station as the Advisory Action appears to suggest here and elsewhere, simply tuning the receiver to select a different channel for viewing would be tantamount to reconfiguring the receiver station as well. Clearly, that is not the case.

Finally, it is important to note that claim 4 refers to the details of how the receiving station configuration is determined, and that that determined configuration is compared to the *default*

transmitting identifier identified in claim 1, and nothing in the Eyer reference discloses these features

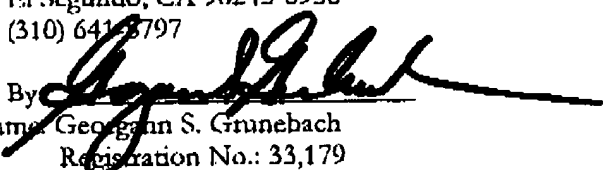
VIII. CONCLUSION

In light of the above arguments, Appellants respectfully submit that the cited references do not anticipate nor render obvious the claimed invention. More specifically, Appellants' claims recite novel physical features which patentably distinguish over any and all references under 35 U.S.C. §§ 102 and 103. As a result, a decision by the Board of Patent Appeals and Interferences reversing the Examiner and directing allowance of the pending claims in the subject application is respectfully solicited.

Respectfully submitted,
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APPENDIX

1. In a broadcasting system having a plurality of service networks, each broadcasting a set of programs and program guide information describing at least a portion of the set of programs, a method for presenting a program guide to a subscriber, comprising the steps of:

determining a receiver station configuration;

receiving a first program guide information at the receiver station, the first program guide information comprising a default transmitting network identifier value uniquely identifying the service network transmitting the first program guide information; and

generating a first program guide from the first program guide information and presenting the first program guide, according to a comparison between the determined receiving station configuration and the default transmitting network identifier.

2. The method of Claim 1, wherein the step of determining the receiving station configuration comprises the steps of:

presenting a plurality of configurations to the subscriber;

accepting a selection of configurations from among the plurality of presented configurations;

and

determining the receiving station configuration according to the selected configuration.

3. The method of Claim 1, wherein receiving station comprises at least one converter communicatively coupled to a receiver and the step of determining a receiving station configuration comprises the steps of:

determining a number of converters; and

determining the receiving station configuration according to the number of converters.

4. The method of Claim 1, wherein the step of determining a receiving station configuration comprises the steps of:

receiving a message from the broadcasting system indicating the receiving station configuration.

5. The method of Claim 1, wherein the step of presenting the first program guide according to a comparison between the determined receiving station configuration comprises the steps of:

comparing the determined receiving station configuration with the default transmitting identifier; and

presenting the first program guide to the subscriber only if the receiving station configuration indicates that the receiving station is configured to receive signals from the first service network.

6. The method of Claim 1, wherein each of the programs in the set of programs is associated with a viewer channel, and the first program guide information further comprises a transmitting network identifier associated with the viewer channel, the transmitting network identifier value identifying a first service network from among the plurality of service networks transmitting the program associated with the viewer channel, and the step of generating a first program guide from the first program guide information and presenting the first program guide according to a comparison between the determined receiving station configuration and the default transmitting network identifier comprises the steps of:

- (a) comparing the determined receiving station configuration and the default transmitting network identifier;
- (b) comparing the determined receiver configuration and the transmitting network identifier; and
- (c) generating the first program guide from the first program guide information and presenting the first program guide, according to the comparison between the determined receiving station configuration and the default transmitting network identifier, and the comparison between the determined receiving station and the transmitting network identifier.

7. The method of Claim 6, wherein steps (b) and (c) are performed only when the comparison between the determined receiver configuration and the default transmitting network identifier indicates that the receiving station is configured to receive signals from the first service network.

8. A receiver station for use in a broadcasting system having a plurality of service networks, each broadcasting a set of programs and program guide information describing at least a portion of the set of programs, the program guide subsystem for providing a first program guide to a subscriber distinguishable as originating from a first service network in the broadcasting system, comprising:

an antenna, comprising at least one converter, for sensing a signal from the first broadcasting system, the signal comprising the first program guide information;

a tuner, communicatively coupled to the antenna, for receiving a first program guide, the first program guide comprising a default transmitting network identifier value uniquely identifying the service network transmitting the first program guide; and

processor, coupled to the tuner, for determining a configuration of the receiver station, and for generating a first program guide from the first program guide information according to a comparison between the determined receiving station configuration and the default transmitting network identifier.

9. The apparatus of Claim 8, wherein the processor is communicatively coupled to an input/output module for accepting a selection of receiver station configurations from among a plurality of presented configurations, and wherein the processor further comprises:

a first module for presenting the plurality of configurations to the subscriber; and

a second module for determining the receiving station configuration according to the selected configuration.

10. The apparatus of Claim 8, wherein the processor comprises:

a first module for determining a number of converters; and

a second module for determining the receiving station configuration according to the number of converters.

11. The apparatus of Claim 8, wherein the receiver further receives a message from the broadcasting system indicating the receiving station configuration.

12. In a broadcasting system having a plurality of service networks, each broadcasting a set of programs and program guide information describing at least a portion of the set of programs, an apparatus for presenting a program guide to a subscriber, comprising:

means for determining a receiver station configuration;

means for receiving a first program guide information at the receiver station, the first program guide information comprising a default transmitting network identifier value uniquely identifying the service network transmitting the first program guide information; and

means for generating a first program guide from the first program guide information and presenting the first program guide, according to a comparison between the determined receiving station configuration and the default transmitting network identifier.

13. The apparatus of Claim 12, wherein the means for determining the receiving station configuration comprises:

means for presenting a plurality of configurations to the subscriber;

means for accepting a selection of configurations from among the plurality of presented configurations; and

means for determining the receiving station configuration according to the selected configuration.

14. The apparatus of Claim 12, wherein receiving station comprises at least one converter communicatively coupled to a receiver and the means for determining a receiving station configuration comprises:

means for determining a number of converters; and

means for determining the receiving station configuration according to the number of converters.

15. The apparatus of Claim 12, wherein the means for determining a receiving station configuration comprises:

means for receiving a message from the broadcasting system indicating the receiving station configuration.

16. The apparatus of Claim 12, wherein the means for presenting the first program guide according to a comparison between the determined receiving station configuration comprises:

means for comparing the determined receiving station configuration with the default transmitting identifier; and

means for presenting the first program guide to the subscriber only if the receiving station configuration indicates that the receiving station is configured to receive signals from the first service network.

17. The apparatus of Claim 12, wherein each of the programs in the set of programs is associated with a viewer channel, and the first program guide information further comprises a transmitting network identifier associated with the viewer channel, the transmitting network identifier value identifying a first service network from among the plurality of service networks transmitting the program associated with the viewer channel, and the means for generating a first program guide from the first program guide information and presenting the first program guide according to a comparison between the determined receiving station configuration and the default transmitting network identifier comprises:

(a) means for comparing the determined receiving station configuration and the default transmitting network identifier;

(b) means for comparing the determined receiver configuration and the transmitting network identifier; and

(c) means for generating the first program guide from the first program guide information and presenting the first program guide, according to the comparison between the determined receiving station configuration and the default transmitting network identifier, and the comparison between the determined receiving station and the transmitting network identifier.

18. The apparatus of Claim 17, wherein the means for comparing the determined receiver configuration and the transmitting network identifier and the means for generating the a first program guide from the first program guide information and presenting the first program guide, according to the comparison between the determined receiving station configuration and the default transmitting network identifier, and the comparison between the determined receiving station and the transmitting network identifier are operated only when the comparison between the determined receiver configuration and the default transmitting network identifier indicates that the receiving station is configured to receive signals from the first service network.